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TO

Amend the Law relating to Municipal Franchise in Ireland. A.D. 1894.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

5    1. This Act may be cited for all purposes as the Municipal Franchise Amendment (Ireland) Act, 1894. Short title of Act.

2. In this Act the words "municipal borough" shall mean any borough named in the Schedule (A.) to the Municipal Corporation (Ireland) Act, 1840 (herein-after referred to as "the said Act"), or any town or borough to which, pursuant to the fourteenth section of the said Act, a charter of incorporation has been or shall be granted; and the word "mayor" as to the city of Dublin shall mean "lord mayor;" the expression "Parliamentary Registration (Ireland) Acts" means the enactments for the time being in force in Ireland relating to the registration of persons entitled to vote at parliamentary elections; and the expressions "clerk of the union" and "rate collectors" shall in the city of Dublin include the collector-general of rates. Interpretation.  
3 & 4 Vict.  
c. 106.

3.—(1.) Every person who on the *twentieth day of July* in any year is, and during the whole of the three months then last preceding has been, in occupation, joint or several, of any house, warehouse, counting-house, shop, or other building within any municipal borough shall, subject to the provisions of this Act, be entitled to be enrolled in the burgess roll for such borough, and when so enrolled shall be, and shall be entitled to vote as, a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough. Qualification for municipal franchise.

[Bill 13.]

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A.D. 1894. (2.) The said premises so to be occupied need not be the same premises or in the same ward or poor-law union, but may be different premises occupied in immediate succession by such person in the same ward or poor-law union, or in different wards or poor-law unions.

(3.) In and for the purposes of this Act, the terms house, warehouse, counting-house, shop, or other building, include any part of a house, whether separately rated or not, where that part is separately occupied for the purposes of residence, or of any trade, business, or profession; and any such part may for the purpose of describing the qualification be described as apartments, office, chambers, studio, or by any like term applicable to the case. Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

Occupation  
of premises  
of the value  
of 10*l*. to  
qualify.

48 Vict. c. 3.

4. Every person who by virtue of the occupation of any land or tenement in a municipal borough is entitled to be registered as a voter at a parliamentary election in respect of a ten pounds occupation qualification within the meaning of the fifth section of the Representation of the People Act, 1884, shall be entitled to be enrolled in the burgess roll for such borough, and when so enrolled shall, subject to the provisions of this Act, be, and shall be entitled to vote as, a burgess of such borough and member of the body corporate of the mayor, aldermen, and burgesses of such borough.

Residence  
necessary to  
qualify.

5. No person shall under the provisions of this Act be enrolled as a burgess in any municipal borough in any year unless such person shall, during the three months next preceding the twentieth day of July in that year, have resided within such borough or within seven miles of the same.

Exclusions  
from  
franchise.

6. No person being an alien, or who is disentitled under any Act of Parliament, shall under the provisions of this Act be enrolled as a burgess in any year, and no person shall be so enrolled in any year who within three calendar months next before the *twentieth day of July* in that year shall, under the Acts for the relief of the destitute poor in Ireland, have received relief other than medical or surgical relief or medicine under any Act relating to medical charities in Ireland.

Saving  
rights under  
existing  
burgess rolls.

7. Nothing in this Act contained shall affect any existing burgess roll, and every such roll shall continue in full force and effect in all respects as if this Act had not been passed.

8. From and after the passing of this Act, no person shall be enrolled in the burgess roll of any municipal borough unless he is qualified as a burgess according to the provisions of this Act.

No burgess to be enrolled who is not qualified under this Act.

9. Where the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough the lists of parliamentary voters for the parliamentary borough, and the burgess lists for the municipal borough, shall be made out and revised together; and the following provisions shall have effect with respect to such lists :

Lists of parliamentary voters and burgess lists to be made out and revised together in certain boroughs.

10 (1.) The list of persons entitled to be registered as voters for any such parliamentary borough in respect of the occupation of property within such borough which, by virtue of the Parliamentary Registration (Ireland) Acts, the town clerk of such borough is required to make out or cause to be made out on or before the twentieth of  
15 July in every year, and the lists of persons entitled to be enrolled in the burgess roll for any such municipal borough which, by virtue of the Municipal Corporations (Ireland) Acts, 1840 to 1888, the town clerk is required to make out on or before the twentieth day of September in every year shall, after the passing of this Act,  
20 no longer be made out as in said Acts prescribed. In lieu thereof the town clerk of any such borough shall, on or before the twentieth day of July in every year, make out or cause to be made out a list of all persons entitled under any Act or Acts for the time being in force to be registered as voters for such parliamentary borough in  
25 respect of the occupation of property situate within such borough, or entitled to be enrolled in the burgess roll for such municipal borough.

(2.) The said list shall be made out in three divisions as follows :

30 (a.) Division one shall comprise the names of the persons entitled both to be registered as parliamentary voters and to be enrolled as burgesses :

(b.) Division two shall comprise the names of the persons entitled to be registered as parliamentary voters, but not to be enrolled  
35 as burgesses :

(c.) Division three shall comprise the names of the persons entitled to be enrolled as burgesses, but not to be registered as parliamentary voters.

(3.) Every such list shall state the surname and other name or  
40 names of every person whose name is inserted therein, his place of abode, the nature of his qualification, and the situation and description of the property in respect of which he is entitled.

A.D. 1894. (4.) Every such list shall be divided into wards, and the list for each ward shall be arranged according to streets.

(5.) The list shall be signed, published, and otherwise dealt with in manner directed by the Parliamentary Registration (Ireland) Acts with respect to the alphabetical lists mentioned in the thirty-third section of the Representation of the People (Ireland) Act, 1850; and shall have the same effect as, and shall for all purposes whatsoever be deemed to be substituted for, the first of the three alphabetical lists in the said section directed to be made out.

(6.) The list required to be transmitted by the clerk of the union to the town clerk under the provisions of the thirty-second section of the Representation of the People (Ireland) Act, 1850, and the Acts amending the same shall, in any such borough as aforesaid, also contain the names of persons qualified as burgesses under the provisions of this Act, and shall be made out in the form prescribed in the second, third, and fourth sub-sections of this section.

(7.) All lists of voters, precepts, notices, and forms to be used in any such borough shall be altered so as to give effect to the provisions of this section, and the Lord Lieutenant may by Order in Council alter and amend the forms referred to in the third section of the Parliamentary Registration (Ireland) Act, 1855, so as to adapt them to the purposes of this section.

(8.) Every clerk of the peace, town clerk, clerk of union, and collector of poor rates in and for any such parliamentary borough shall, in the preparation of the lists of parliamentary voters, and in discharging the duties imposed on him by law in connexion therewith, give effect to the provisions of this section.

(9.) The Municipal Corporation (Ireland) Acts, 1840 to 1888, shall not, as to anything prior to the completion of the revision of the burgess lists, apply to any list made out in pursuance of this section; and instead thereof the Parliamentary Registration (Ireland) Acts shall, up to the completion of the revision of the burgess lists, apply to every such burgess list, as if it were a list of parliamentary voters made out pursuant to the provisions of those Acts: Provided as follows:

(a.) A person entered in division two of any such list shall not be entitled to object to any person entered in division three; and a person entered in division three shall not be entitled to objection to any person entered in division two:

(b.) A person entered in division two of any such list shall be entitled to object to a person entered in division one only on the ground that such last-mentioned person is not entitled to

have his name inserted in such list as a parliamentary voter; and a person entered in division three of any such list shall be entitled to object to a person entered in division one only on the ground that such last-mentioned person is not entitled to have his name retained in such list as a burgess:

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(c.) The last day for revising any such list shall be the *twenty-fifth day of October*.

(10.) A list made out in pursuance of this section shall when revised be delivered to the town clerk; and the revising barrister shall as part of the business of the revision, at the request of the town clerk, sign and deliver to him a duplicate of the whole or part of any such revised list. Every such duplicate shall be prepared by the town clerk, and shall be kept by him for use for municipal purposes. Divisions one and three of the said duplicate list, when signed by the revising barrister in manner prescribed by the Parliamentary Registration (Ireland) Acts, shall be copied for the burgess roll and otherwise dealt with in all respects in the same manner as, and shall for all purposes whatsoever be deemed to be substituted for, the list of burgesses referred to in the forty-seventh section of the Municipal Corporations (Ireland) Act, 1840.

(11.) The register of voters for any parliamentary borough made up from revised lists under the Parliamentary Registration (Ireland) Acts and this Act shall come into operation on the *first day of January* next after the revision, and shall continue in operation for the year commencing with such first day of January.

The burgess roll of burgesses for any such municipal borough as aforesaid, made up from revised lists under this section, shall come into operation on the *twenty-fifth day of November* next after the revision, and shall continue in operation for the year commencing with such twenty-fifth day of November.

(12.) Where a list is made out pursuant to the provisions of this section, the provisions of the Parliamentary Registration (Ireland) Acts as to appeal from the decision of the revising barrister shall apply to a decision on the revision of such list, though such decision relates exclusively to the enrolment of burgesses for the municipal borough, or the right of any person to be enrolled as a burgess; and the provisions of the said Acts as to the alteration or correction of the register in pursuance of any judgment or order of the court of appeal shall apply to the alteration or correction of the burgess roll made up from the burgess lists, as if it were a register of parliamentary voters, except that the notice of the judgment or order shall be given to the town clerk having the custody of the

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A.D. 1894. burgess roll, and the alteration or correction shall be made and signed by him.

(13.) This section shall not come into force or have effect until the first day of January one thousand eight hundred and ninety-five.

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Abolition of assessors in certain municipal boroughs.

Expenses of voters lists and revision in certain boroughs.

10. After the passing of this Act borough assessors shall not be elected in any municipal borough the area of which is co-extensive with or included in the area of a parliamentary borough.

11. Where the area of a municipal borough is co-extensive with or included in the area of a parliamentary borough, the expenses properly incurred by the town clerk (including therein such remuneration for the clerk of the union and the rate collectors as is herein-after provided for) in carrying into effect the provisions of the ninth section of this Act with respect to the lists of parliamentary voters and burgess lists, and all moneys received in respect of any of those lists, or in respect of any fine imposed by the revising barrister on the revision of the lists, shall be respectively paid and applied as follows :—

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(1.) If the area of the parliamentary borough and the area of the municipal borough are co-extensive, one half of the expenses shall be defrayed in the manner provided by the Parliamentary Registration (Ireland) Acts as expenses incurred thereunder, and the other half shall be defrayed out of the borough fund, and one half of the moneys received as aforesaid shall be applied in the manner directed in those Acts, and the other half shall be paid to the borough fund :

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(2.) In all other cases the expenses and receipts in respect of the area common to the parliamentary borough and to a municipal borough shall, as to one half thereof, be defrayed and applied as expenses and receipts under the Parliamentary Registration (Ireland) Acts, and shall as to the other half thereof be defrayed out of and paid to the borough fund of such municipal borough :

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(3.) The expenses and receipts in respect of an area exclusively parliamentary shall be defrayed and applied as expenses and receipts under the Parliamentary Registration (Ireland) Acts :

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(4.) Any expenses and receipts incurred or arising in respect of more than one such area shall be apportioned between the several areas in respect of which they are incurred or arise, in the proportion as nearly as may be in which the same are incurred and arise in respect of the several areas, regard being had to the number of parliamentary voters or burgesses in each area, or any other

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circumstances occasioning the expenses or giving rise to the receipts: A.D. 1894.

(5.) The revising barrister shall, as part of the business of the revision, determine, if necessary, in respect of what area or areas any expenses or receipts are incurred or arise, and how much thereof is attributable to each area:

(6.) The Local Government for Ireland may by order fix the remuneration to be paid to clerks of unions and poor rate collectors for any additional duties cast upon them by the ninth section of this Act.

12. In the case of any municipal borough to which the ninth section of this Act does not apply, the clerk of the poor-law union comprising the whole or any part of such borough shall, within *twenty-one days* after the receipt of a written request to that effect, furnish to the town clerk of such borough a copy, certified under his hand, of all such rates and rate-books within his custody as the said town clerk shall require, for which copy the said clerk of the union shall be entitled to charge at a rate not exceeding *two pence* for every seventy-two words therein; and in case the said clerk of the union shall refuse or neglect to furnish such copy within the time aforesaid, he shall for every such offence forfeit a sum not exceeding *twenty pounds*; and such penalty may be recovered in a court of summary jurisdiction, and when recovered shall be paid into the borough fund of such borough.

13.—(1.) Every person who on the twentieth day of July in any year is and during the whole of the three months then last preceding has been in occupation of any house, warehouse, counting-house, shop, or other building as defined in the third section of this Act, or of any land or tenement within any town or township, and such occupation would, if such premises were situate in any municipal borough, qualify such person under the provisions of this Act to be enrolled and vote as a burgess in such borough, shall be entitled to vote at any election of a member or members of the local authority for such town or township during the twelve months commencing on the *first day of January* next following the said twentieth day of July.

(2.) For the purposes of this Act the term "local authority" shall mean commissioners appointed by virtue of the Lighting of Towns (Ireland) Act, 1828, or under the Towns Improvement (Ireland) Act, 1854, and any municipal town or township commissioners appointed under any general or local Act.

Clerk of union to supply extracts from rate-books in certain boroughs.

Qualification for municipal franchise in towns and townships.

- A.D. 1894. **14.** In this Act wherever words occur which import the masculine gender, the same shall nevertheless and the word "person" shall be held to include females for all purposes connected with and having reference to the right to be enrolled and to vote as burgesses, or to vote at the election of any member or 5 members of a local authority. A woman shall not be disqualified by marriage for being enrolled or voting as a burgess or at such elections as aforesaid: Provided that a husband and wife shall not both be qualified in respect of the same property.
- Words which import the masculine gender to include females.
- 15.** The Acts specified in the schedule to this Act are hereby 10 repealed to the extent mentioned in the third column of that schedule, and so much of any local and personal Act as is inconsistent with this Act is hereby repealed.
- Repeal.
- 16.** This Act shall not apply to England or Scotland.
- Extent of Act.



SCHEDULE.

A.D. 1894.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 9 Geo. 4. c. 82.	The Lighting of Towns (Ireland) Act, 1828.	Section sixteen, from the beginning down to "the afore-mentioned qualification."
10 3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Sections thirty to thirty-eight.
6 & 7 Vict. c. 93.	The Municipal Corporations (Ireland) Act, 1843.	Sections two, three, and twenty-seven.
15 12 & 13 Vict. c. 85.	An Act to amend an Act for the Regulation of Municipal Corporations in Ireland so far as relates to the Borough of Dublin.	Sections two to seven and sections ten to thirteen.
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Section twenty-two.
48 Vict. c. 9.	Municipal Voters Relief Act, 1885.	The whole Act.
20 50 & 51 Vict. c. cxviii. (local).	Municipal Corporation of Belfast Act, 1887.	The whole Act.
54 & 55 Vict. c. cxliv. (local).	Municipal Registration (Dublin and Belfast) Act, 1891.	The whole Act.

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